

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CASSIUS M. CLAY
Plaintiff

Civil Action No.: 05-125 Erie

District Judge McLaughlin

Magistrate Judge Baxter

VS.

TRACY REEVES, et al.
Defendant

FILED
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CLERK
U.S. DISTRICT COURT

MOTION TO EXTEND TIME FOR DISCOVERY

Plaintiff, Cassius M. Clay, Pro se, moves this Honorable Court for a sixty (60) day extension to complete discovery. In support thereof, Plaintiff respectfully states as follows:

1. The cut-off date for discovery is December 20, 2006.
2. On October 23, 2006, Plaintiff served defendants' counsel of record with a request for production of documents.
3. On November 27, 2006, Defendants responded to Plaintiff's October 23, 2006, request for production of documents, raising a multitude of unreasonable objections to the material which Plaintiff seeks to obtain.

4. Concurrently with the filing of this motion, Plaintiff has filed a Motion to Compel Production of Documents and a brief in support thereof.
5. It is essential that the discovery cut-off date be extended so that this Court may rule on Plaintiff's Motion to Compel Production of Documents, and thereafter, Plaintiff will be able to draft his interrogatories, requests for admissions and take depositions with the benefit of the material(s) this Court may deem just, proper and appropriate.
6. Plaintiff submits that the failure to complete discovery to date is the result of excusable neglect and cannot be attributed to any dilatory or improvident actions of the plaintiff.
7. Plaintiff avers that this Honorable Court has "wide discretion" in determining whether or not to extend the discovery period. See Taylor V. Foremost McKesson, Inc., 656 F.2d 1029, 1033 (5th Cir 1981); Kyle Engineering Co. V. Kleppe, 600 F.2d 226 (9th Cir. 1979) and Hammontor Investment and Mortgage Co. V. Morco Ltd., 452 F.2d 119 (7th Cir. 1971).
8. It is Plaintiff's position that under the circumstances of this case, taking into account this Court's wide discretion, it would be appropriate to extend the standing discovery cut-off date.
9. Plaintiff requests an additional sixty (60) days, that is, until February 20, 2007, in order to complete discovery.

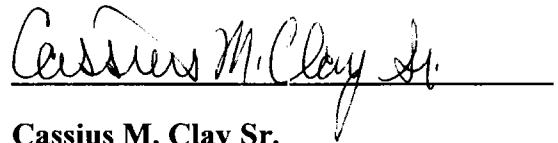
10. Plaintiff has sought concurrence from the defendants' counsel of record as evidenced by the attached letter, marked as *Exhibit-"A"*.

11. To date, Plaintiff has received no indication, neither verbally, nor in writing, that the defendants have any objection to the requested extension.

12. Plaintiff submits that the granting of this motion would not prejudice the defendants.

WHEREFORE, for each of the foregoing reasons, Plaintiff, Cassius M. Clay, Pro se, respectfully requests this Honorable Court to grant the relief requested herein, and any other and further relief this Honorable Court deems just and proper.

Respectfully submitted,

A handwritten signature in cursive script, reading "Cassius M. Clay Sr.", is written over a horizontal line.

**Cassius M. Clay Sr.
Pro se Plaintiff
Inmate No.: DQ-5954
SCI-Forest
P.O. Box 945
Marienville, PA 16239
(814) 621-2110**

Exhibit-“A”

CASSIUS M. CLAY SR.
DQ-5994
STATE CORRECTIONAL INSTITUTION AT FOREST
P.O. BOX 945
MARIENVILLE, PA 16239

November 28, 2006


Craig Elliot Maravich Esq.
Manor Complex, 564 Forbes Ave.
Pittsburgh, PA 15219-2908

RE: Clay V. Reeves et al.,
Civil Action No.: 05-125
Western District Court

Dear Mr. Maravich,

I anticipate I will be filing an appropriate motion for a sixty (60) day extension of the discovery period. Should you have any objection to such an extension, please inform me in writing, within ten (10) days. In the event I receive no response from you in this regard I will assume that you have no objection and will inform the court of the same. Thank you.

Very truly yours,


Cassius M. Clay
Plaintiff

cc: file

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Plaintiff

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Defendants

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STATEMENT OF VERIFICATION

I verify that the foregoing is true and correct. I understand that false statements made herein are subject to the penalties of 28 U.S.C. §1746, relating to perjury.

Date: DECEMBER 12, 2006.

By: Cassius M. Clay Sr.

Cassius M. Clay Sr.

Pro se Plaintiff

Inmate No.: DQ-5954

SCI-Forest

P.O. Box 945

Marienville, Pa 16239

(814)621-2110

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CERTIFICATE OF SERVICE

I certify that on this 12th day of DECEMBER 2006, I submitted the original of this document to prison officials at the State Correctional Institution at Forest, by placing the same in the prison mailbox addressed as follows:

Office of the Clerk
U.S. District Court
Western District of PA
P.O. Box 1820
Erie, PA 16507

I further certify that on this 12th day of DECEMBER 2006, I served a true and correct copy of the foregoing on the parties of record, by submitting this document to prison officials at the State Correctional Institution at Forest, by placing the same in the prison mailbox addressed as follows:

Mary L. Freidline
Deputy Attorney General
Office of the Attorney General
6th Flr., Manor Complex
564 Forbes Ave.
Pittsburgh, PA 15219

Both documents were sent U.S. First Class Mail, postage pre-paid.

Date: DECEMBER 12, 2006.

By: Cassius M. Clay

Cassius M. Clay Sr.

Pro se Plaintiff

Inmate No.: DQ-5954

SCI-Forest

P.O. Box 945

Marienville, Pa 16239

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ORDER OF COURT

AND NOW, this _____ day of _____ 2006, upon consideration of Plaintiff's Motion to Extend Time For Discovery, and the Defendants' response, if any, **IT IS HEREBY ORDERED** that Plaintiff's Motion is **GRANTED**. All discovery is to be completed by February 20, 2007.

BY THE COURT:

J.